UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	
	)	No. 1:19-cr-82
-v-	)	
	)	Honorable Paul L. Maloney
GEONTAY PATTERSON, Defendant.	)	

OPINION

This matter is before the Court on Defendant Geontay Patterson's second motion to suppress the evidence obtained from a search of his person during a traffic stop (ECF No. 34). At the conclusion of a hearing on August 19, 2019, this Court denied Patterson's first motion to suppress the same evidence. For the reasons explained below, the Court will deny this motion as well.

On February 22, 2019, Michigan State Police Troopers Sandford and Burr stopped a vehicle with a defective brake light in Muskegon Heights. The driver, Janice Rone, slowed but continued to drive for about a quarter mile before stopping. When she stopped, the Troopers spoke with her and observed two passengers: Patterson in the front seat and Jamarius Randle in the backseat. Patterson appeared extremely nervous and did not speak when greeted by the Troopers. After running Rone's information and the vehicle's license plate through the Law Enforcement Information Network (LEIN), the Troopers discovered that the vehicle was not insured. The Troopers returned to speak with Rone and noticed an open container of alcohol in the backseat. The Troopers asked the backseat passenger,

Randle, to exit the vehicle. He was frisked by Trooper Burr, who located two rounds of .380 caliber ammunition and two hydrocodone pills in Randle's pockets.

The Troopers then had both Rone and Patterson exit the vehicle. Rone was frisked for weapons, and the Troopers called a female Trooper to the scene to conduct a more thorough search. Patterson was also frisked for weapons. During the pat down, Trooper Sandford felt what he believed to be narcotics in Patterson's pocket. Trooper Sandford removed a baggie from Patterson's pocket that contained approximately 57 grams of crystal methamphetamine. Trooper Sandford continued to search Patterson and found another bag that contained additional crystal methamphetamine, heroin, and cocaine base, as well as $370 in cash. Patterson was arrested.

On August 19, 2019, this Court heard Patterson's first motion to suppress the evidence obtained from the search of his person. Patterson argued that the Troopers did not have reasonable suspicion to frisk him under *Terry v. Ohio*, 392 U.S. 1 (1968). At the hearing, Trooper Sandford testified and dashcam video of the encounter was played. The Court found Trooper Sandford's testimony credible (Transcript, ECF No. 38 at PageID.159), and found that the totality of the circumstances created reasonable suspicion for the Troopers to pat down Patterson (PageID.162). The discovery of the ammunition on Randle's person was "the inflection point which makes the pat down of this defendant lawful under the Fourth Amendment" (*Id.*). Accordingly, the Court denied Patterson's motion to suppress.

Patterson then moved for reconsideration, arguing that the bullets were actually not discovered on Randle's person until after Patterson was detained, and therefore, reasonable

suspicion did not exist at the time he was frisked (ECF No. 35). In this motion, Patterson argued that Trooper Burr discovered hydrocodone pills in Randle's left pocket, at which point he turns and says something to Trooper Sandford. Trooper Sandford then began frisking Patterson while Trooper Burr continued to frisk Randle's right pocket and located the ammunition there, so Trooper Burr discovered the ammunition *after* Patterson was detained. This motion was denied (ECF No. 40). The motion failed to identify a palpable error in the decision denying the motion to suppress, and the Court noted that even if this argument had been timely presented, it would have failed under the inevitable-discovery doctrine (*Id.* at n. 1).

The motion now before the court seeks to suppress the same evidence for three reasons. First, Patterson presents the same argument he presented in the motion for reconsideration: that the distinction between Randle's pockets destroys reasonable suspicion. The Court has already determined that this argument is meritless under the inevitable-discovery doctrine. If evidence would have inevitably been discovered by lawful means, that evidence is admissible. *Nix v. Williams*, 467 U.S. 431, 444 (1984). In this case, the discovery of the ammunition in Randle's pocket created reasonable suspicion to search the occupants of the vehicle (Transcript at PageID.162). Therefore, the timing of the discovery compared to the pat down of Patterson is of no consequence, as Patterson would have been patted down upon discovery of the ammunition and the evidence on his person would have inevitably been discovered by lawful means. *See id.* Therefore, the inevitable-discovery doctrine applies, and the evidence obtained from Patterson's person need not be suppressed.

Patterson next argues that the Troopers carried out an unreasonably long traffic stop. Police officers may legally stop a vehicle if they have probable cause to believe that a traffic violation has occurred. *United States v. Sanford*, 476 F.3d 391, 394 (6th Cir. 2007). Once the purpose of the traffic stop is completed, officers may not further detain the vehicle or its occupants unless something occurred during the stop to create reasonable suspicion that justifies further detention. *United States v. Perez*, 440 F.3d 363, 370 (6th Cir. 2006) (citing *United States v. Mesa*, 62 F.3d 159, 162 (6th Cir. 1995)). If the officers develop reasonable and articulable suspicion of criminal activity during a traffic stop, they may extend the stop long enough to confirm or dispel their suspicions. *United States v. Winters*, 782 F.3d 289, 296 (6th Cir. 2015). To decide whether the officers conducting the traffic stop have developed a reasonable suspicion of criminal activity, courts consider the totality of the circumstances. *United States v. Stepp*, 680 F.3d 651, 664 (6th Cir. 2012).

At the hearing on Patterson's first motion to suppress, the Court evaluated the totality of the circumstances before the Troopers: the slow roll to a stop, Patterson's extreme nervousness, the LEIN information, and the open container of alcohol. Taken together, these circumstances provided reasonable suspicion for the Troopers to ask Randle to step out of the vehicle and pat him down (Transcript at PageID.161). Then, when the Troopers located the ammunition on Randle's person, the Troopers had reasonable, articulable suspicion that the other occupants of the vehicle may be armed or dangerous, and they could lawfully search the other occupants of the vehicle (*Id.*). The Court held that "the finding of the ammunition . . . is the inflection point which makes the pat down of this defendant lawful under the Fourth Amendment" (*Id.* at PageID.162).

Based on these circumstances and the articulable facts creating reasonable suspicion, the stop was not unreasonably prolonged. Once the alcohol and ammunition were discovered, the officers had reasonable suspicion that criminal activity was afoot. Therefore, the Troopers were permitted to extend the stop long enough to pat down the other occupants of the vehicle. *See Winters*, 782 F.3d at 296. Thus, the stop was not unconstitutionally long.

Finally, Patterson argues that Trooper Sandford violated the plain-feel doctrine, and therefore the evidence discovered on his person must be suppressed. During a lawful pat down, contraband may be seized if the officer discovers an object whose contour or mass makes its identity immediately apparent. *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993). The "immediately apparent" requirement means that the officer may not squeeze, slide, or otherwise manipulate the object to discover what it is. *Id.* at 378.

Trooper Sandford testified that when he began to pat down Patterson, he felt a hard substance in his right front pocket, which, "through [his] training and experience, [he] could tell that this was likely some kind of packaged narcotics" (Transcript at PageID.117). Trooper Sandford testified that he expected to find a wallet or keys in Patterson's pocket, but what he felt was much larger than a typical wallet or keychain might be, and it was unusually shaped (*Id.* at PageID.118). Trooper Sandford could feel the plastic bag or packaging through Patterson's jeans, and the package was round and about the size of a baseball (*Id.* at PageID.117-18). The Court had the benefit of both Trooper Sandford's testimony and the dashcam footage of the stop. In the Court's judgment, Trooper Sandford's testimony was credible (*Id.* at PageID.159), and the Court noted that Trooper Sandford "also was quite detailed in his statement that it felt like there was a plastic baggie of some nature,

and he felt that from the outside of the – of the pocket during the course of the pat down" (*Id.* at PageID.162).

While the Court did not directly address the plain-feel doctrine at the hearing, the Court is now satisfied that the record evidence establishes that Trooper Sandford was aware of the incriminating nature of the package in Patterson's pocket without manipulating it. The testimony shows that it was a baseball-sized, rock-like substance in a plastic baggie, and that Trooper Sandford knew, through his training and experience, that such a substance was likely to be some sort of narcotics. The Court is also satisfied that Trooper Sandford did not manipulate the package to discern its contents. Therefore, he did not violate the plain-feel doctrine, and the evidence need not be suppressed. *See Dickerson*, 508 U.S. at 378.

In sum, the Troopers had reasonable suspicion to believe that Patterson was armed, so his detention and the pat down of his person were justified. The stop was not unreasonably long given the open container of alcohol and ammunition discovered on Randle. Further, the illegal nature of the contraband in Patterson's pocket was immediately apparent to Trooper Sandford. Accordingly, Patterson's motion to suppress (ECF No. 34) is **DENIED**.

IT IS SO ORDERED.

Date: December 2, 2019

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge